

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA

v.

GARY DONEL SMITH

a/k/a

GARY DONNELL SMITH, JR.

a/k/a

GARY SMITH

a/k/a

GARY DONELLE SMITH

Criminal No.: 7:20-cr-00077

FACTUAL BASIS

If this matter were to go to trial, the United States of America would prove beyond a reasonable doubt with admissible and relevant evidence the following:

1. On February 10, 2020, the defendant, GARY SMITH was found in Wythe County within the Western District of Virginia.
2. GARY SMITH is a citizen of the United States.
3. GARY SMITH was the driver of a vehicle involved in an accident in which law enforcement responded to on February 10, 2020 in Wythe County, Virginia.
4. Smith transported M.E.M., J.E.G.T., J.D.T.N., E.M.A.L. and A.A.R.P. in the vehicle.
5. Passenger J.D.T.N. was a seventeen-year-old male. The remaining passengers were adults.
6. Passenger M.E.M. was a citizen of Ecuador.
7. Passenger J.E.G.T. was a citizen of Ecuador.
8. Passenger J.D.T.N. was a citizen of Ecuador.

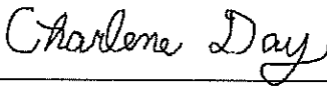
9. Passenger E.M.A.L. is a citizen of El Salvador.
10. Passenger A.A.R.P. is a citizen of El Salvador.
11. Passengers M.E.M., J.E.G.T., J.D.T.N., E.M.A.L. and A.A.R.P. are aliens and not lawfully in the United States.
12. GARY SMITH was recruited by an individual to drive a load of persons across the United States.
13. GARY SMITH knew the occupants were aliens at the time of transporting M.E.M., J.E.G.T., J.D.T.N., E.M.A.L. and A.A.R.P.
14. On February 9, 2020, GARY SMITH picked up his passengers in Dallas, Texas. GARY SMITH was to transport the passengers to different states including New York, New Jersey and Maryland.
15. An extra seat was installed in the vehicle to increase the occupancy capability of the vehicle.
16. The passengers paid the smuggling service \$14,000 for assistance in entering the United States and transportation to New York.
17. GARY SMITH was to be paid for transporting the illegal aliens when he returned from the trip.

Respectfully submitted,

Daniel P. Bubar
Acting United States Attorney

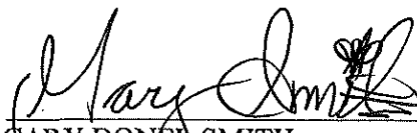
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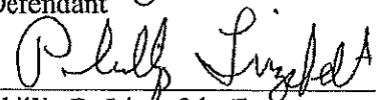


Charlene Day
Assistant United States Attorney

Date: 12/11/2020


GARY DONEL SMITH
Defendant

Date: 12/11/2020


Phillip R. Lingafelt, Esq.
Counsel for the Defendant